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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,609	04/22/2004	Greta Light	15436.374	6844
22913	7590	12/20/2007		
WORKMAN NYDEGGER 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			EXAMINER LI, SHI K	
			ART UNIT 2613	PAPER NUMBER
			MAIL DATE 12/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,609

Applicant(s)

LIGHT, GRETA

Examiner

Shi K. Li

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7, 10, 12-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 10, 12-14 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "300" has been used to designate both imaginary plane and computer system. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-3, 5-7, 10, 12-14, 16-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benzoni et al. (U.S. Patent 5,337,398) in view of X2-MSA ("A Cooperative Agreement for a Small Versatile 10 Gigabit Transceiver Package" Issue 0.9, 31st July 2002) or Soto et al. (U.S. Patent Application Pub. 2005/0031347 A1).

Art Unit: 2613

Regarding claim 1, Benzoni et al. discloses in FIG. 14 an optical transceiver module comprising a transceiver housing and a transceiver substrate 12 with electrical connector 16. Furthermore, Benzoni et al. teaches in FIG. 8 and FIG. 10 receive optical assembly and transmit optical assembly that define a longitudinal axes perpendicular to the transceiver substrate. The difference between Benzoni et al. and the claimed invention is that the transceiver housing of Benzoni et al. has port slots at the top instead of the bottom. However, it is obvious to one of ordinary skill in the art to design the slot at the bottom instead of the top. One of the purposes of the slot is for alignment so that fiber cable can only be plugged into the ports with the right orientation. These slots are called connector keys. X2-MSA teaches on page 20, Section 6.12.1 that connector keys are used for /transmit/receiver polarity. Therefore, depending on whether the transmitter is on the left-hand side or the right-hand side, the slots can be put on the top or the bottom. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the port slots at the bottom, as taught by X2-MSA, in the optical transceiver module of Benzoni et al.

Regarding claim 2, FIG. 14 of Benzoni et al. indicates that the transmit optical sub-assembly and receive optical sub-assembly are positioned above an imaginary horizontal plane that bisects the transceiver module.

Regarding claim 3, X2-MSA teaches on page 14 that an application of an optical module is for providing optical network interface in a PCI adaptor.

Regarding claims 5-6, Benzoni et al. teaches in FIG. 9 electronic components, e.g., capacitors 22 and 24.

Art Unit: 2613

Regarding claim 7, Benzoni et al. teaches in FIG. 3 electrical connectors 16. Benzoni et al. teaches in FIG. 11 receive optical assembly 52 and transmit optical sub-assembly 50.

Regarding claim 9, Benzoni et al. teaches in FIG. 14 that the optical port slots are located proximate the bottom edge of the transceiver substrate.

Regarding claim 10, X2-MSA teaches on page 14 that an application of an optical module is for providing optical network interface in a PCI adaptor.

Regarding claim 12, Benzoni et al. teaches in FIG. 9 electronic components, e.g., capacitors 22 and 24.

Regarding claim 13, X2-MSA teaches on page 14 that an application of an optical module is for providing optical network interface in a PCI adaptor.

Regarding claim 14, Benzoni et al. teaches in FIG. 9 electronic components, e.g., capacitors 22 and 24.

Regarding claim 16, Benzoni et al. teaches in FIG. 14 connector 16.

Regarding claim 17, X2-MSA teaches on page 14 that an application of an optical module is for providing optical network interface in a PCI adaptor.

Regarding claim 18, X2-MSA teaches on page 14 face plate.

Regarding claims 19 and 21, it is understood that the modified optical transceiver module of Benzoni et al. and X2-MSA is electrically connected to the host bus adapter.

5. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benzoni et al. and X2-MSA as applied to claims 1-3, 5-7, 10, 12-14, 16-19 and 21 above, and further in view of Branch et al. (U.S. Patent 6,485,322 B1).

Art Unit: 2613

Benzoni et al. and X2-MSA have been discussed above in regard to claims 1-3, 5-7, 10, 12-14, 16-19 and 21. The difference between Benzoni et al. and X2-MSA and the claimed invention is that Benzoni et al. and X2-MSA do not teach PCMCIA card. It is understood that PCMCIA cards are used in notebook computers. Branch et al. teaches in FIG. 1 an optical interface card with PCMCIA format. One of ordinary skill in the art would have been motivated to combine the teaching of Branch et al. with the modified optical transceiver module of Benzoni et al. and X2-MSA so that the module can be used with notebook computers. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to put the modified optical transceiver module of Benzoni et al. and X2-MSA in a PCMCIA card, as taught by Branch et al. so that the module can be used in notebook computers.

Response to Arguments

6. Applicant's arguments with respect to claims 1-3, 5-7, 10, 12-14 and 16-22 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant states on page 3 of the amendment that there is a replacement drawing sheet. However, no replacement drawing sheet has been found in the record.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2613

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shi K. Li whose telephone number is 571 272-3031. The examiner can normally be reached on Monday-Friday (7:30 a.m. - 4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

skl
14 December 2007


SHI K. LI
PRIMARY PATENT EXAMINER